THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ELAINE AND VICTOR SWANGER, as parents and legal guardians of B.J.S., and B.J.S.,

Plaintiffs,

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4:11-CV-894

(JUDGE MARIANI)

DIVERSIFIED TREATMENT ALTERNATIVES, et al.,

Defendants.

ORDER

AND NOW THIS ______ DAY OF FEBRUARY, 2019, upon consideration of the Motion in Limine of Defendants Diversified Treatment Alternatives and Alvin Weaver (Doc. 231), IT IS HEREBY ORDERED THAT the Motion is DENIED IN PART AND RESERVED IN PART as follows:

- 1. Defendants' motion to preclude Duane Mattison from testifying at trial on the basis that Mattison lacks the competency to testify is **DENIED WITHOUT PREJUDICE**.
- 2. Defendants' motion to preclude BJS from testifying at trial on the basis that BJS lacks the competency to testify is **RESERVED UNTIL TIME OF TRIAL**.
- 3. On or before **Friday**, **February 8**, **2019**, **at 10:00 a.m**., both parties shall submit to the Court a list of proposed voir dire questions that they would like the Court to ask BJS when determining her competency, and in particular, her ability to understand the obligation of an oath and the basic duty to testify truthfully in Court.

4. Defendants' motion to preclude BJS and Mattison from testifying in their entirety at trial pursuant to Federal Rules of Evidence 401, 402, and 403 is **DENIED WITHOUT PREJUDICE**. Counsel is expected to raise any issue of relevance, admissibility, and unfair prejudice with respect to the testimony of BJS and Mattison by timely and specific objection on each occasion where they believe that testimony is being offered for an improper purpose.

Robert D. Mariani

United States District Judge